Government of Saskatchewan

Annual Report 2003 - 2004

Saskatchewan Justice

Saskatchewan Police Complaints Investigator

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Letters of Transmittal

Her Honour
The Honourable Dr. Linda Haverstock
Lieutenant Governor of Saskatchewan
Government House
4607 Dewdney Avenue
Regina, Saskatchewan S4P 3V7

Dear Madam:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 2003 to March 31, 2004.

Frank Quennell, Q.C.
Minister of Justice and Attorney General

The Honourable Frank Quennell, Q.C.
Minister of Justice and Attorney General
Province of Saskatchewan
Legislative Building
Regina, Saskatchewan

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 2003 to March 31, 2004.

E.R. Gritzfeld, Q.C.
Complaints Investigator

Mission Statement

The Complaints Investigator is a non-police person appointed by the government to ensure that both the public and police receive a fair and thorough investigation of a complaint against the police.

One of the main functions of the police is the protection of the general public. Police Services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when a citizen feels he or she has not been treated fairly by a police officer and for that reason a Citizen Complaint Procedure was set out in *The Police Act, 1990.* It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Complaints Investigator

Civilian review of public complaints against the police began in the United States in the 1960's. Since then it has spread around the world and developed so that today, Canada is recognized as a leader in the public complaints field. On January 1, 1992, Saskatchewan brought in a new procedure for the handling of complaints against municipal police with the appointment of a Complaints Investigator. Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the Investigator are as follows:

(a) record the complaint received;

(b) establish and maintain a record of all public complaints received by the police services and their dispositions;

(c) inform, advise and assist complainants;

(d) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;

(e) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and

(f) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services.

(2) In exercising the duties of the investigator pursuant to this section, the investigator:

(a) shall receive and obtain information respecting a public complaint from the complainant;

(b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;

(c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and

(d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

Complaints Investigator

E.R. Gritzfeld, Q.C.

Administrative Staff/Accommodation

John A. Clarke - Director
Wendy McAuley - Administrative Assistant

Saskatchewan Police Complaints Investigator
6th Floor - 1919 Saskatchewan Drive
Regina, Saskatchewan
S4P 3V7

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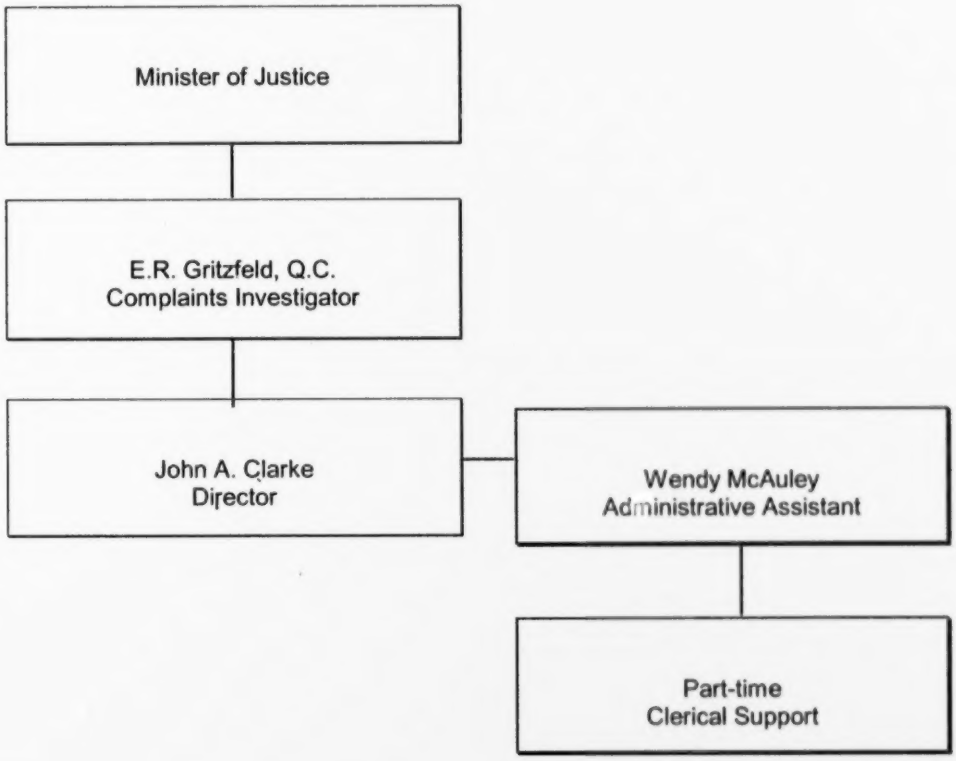
Organizational Structure



2003-04 Activities and Results

For the period April 1, 2003 to March 31, 2004 this office processed 148 complaints against municipal police officers in the province.

Noted below is the time frame involved to receive the complaint, investigate, review the matter and advise the complainants of the action taken with respect to their concern.

Time Frame	% of Complaint Files
0 - 30 days	9.5%
31 - 60 days	8.8%
61 - 90 days	8.8%
91 - 120 days	10.8%
121 - 150 days	5.4%
151 - 180 days	3.3%
Over 181 days	17.6%
Pending	35.8%

The following pages show the breakdown of complaints for each of the eleven Municipal Police Services and two Rural Municipality Police Services in the province.

Saskatchewan Police Complaints Investigator
April 1, 2003 to March 31, 2004

	Number of Complaint Files		Number of Complaint Files
Regina	59	Dalmeny	0
Saskatoon	63	File Hills Agency	1
Moose Jaw	6	Luseland	0
Prince Albert	15	Stoughton	0
Estevan	3	R.M. of Corman Park	1
Weyburn	0	R.M. of Vanscoy	0
Caronport	0		
Total Number of Files	**148**		

Findings of Complaints Received
April 1, 2003 to March 31, 2004

Police Service	Substantiated	Unsubstantiated	Unfounded	Withdrawn/ Other	Not Yet Completed	Total
Regina	12	6	37	8	15	78
Saskatoon	3	4	17	14	31	69
Moose Jaw	0	0	4	0	3	7
Prince Albert	1	2	7	3	3	16
Estevan	0	0	2	1	0	3
Weyburn	0	0	0	0	0	0
Caronport	0	0	0	0	0	0
Dalmeny	0	0	0	0	0	0
File Hills Agency	0	0	0	0	1	1
Luseland	0	0	0	0	0	0
Stoughton	0	0	0	0	0	0
R.M. Corman Park	0	0	0	1	0	1
R.M. Vanscoy	0	0	0	0	0	0
Total	**16**	**12**	**67**	**27**	**53**	***175**

*** While 148 complaints were filed - some had multiple complaints and findings**

Definition of Complaint Findings

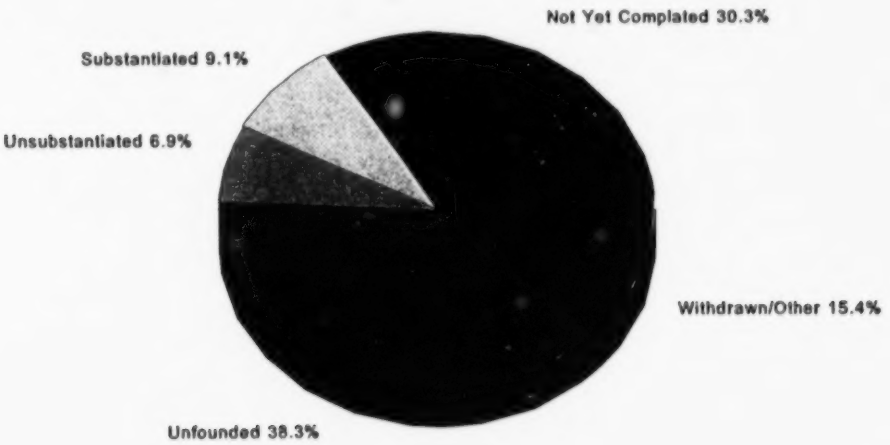
Substantiated - Supported by evidence
Unsubstantiated - Allegation cannot be proved or disproved
Unfounded - Unsupported by evidence

Classification of Substantiated / Unsubstantiated Complaints
April 1, 2003 to March 31, 2004

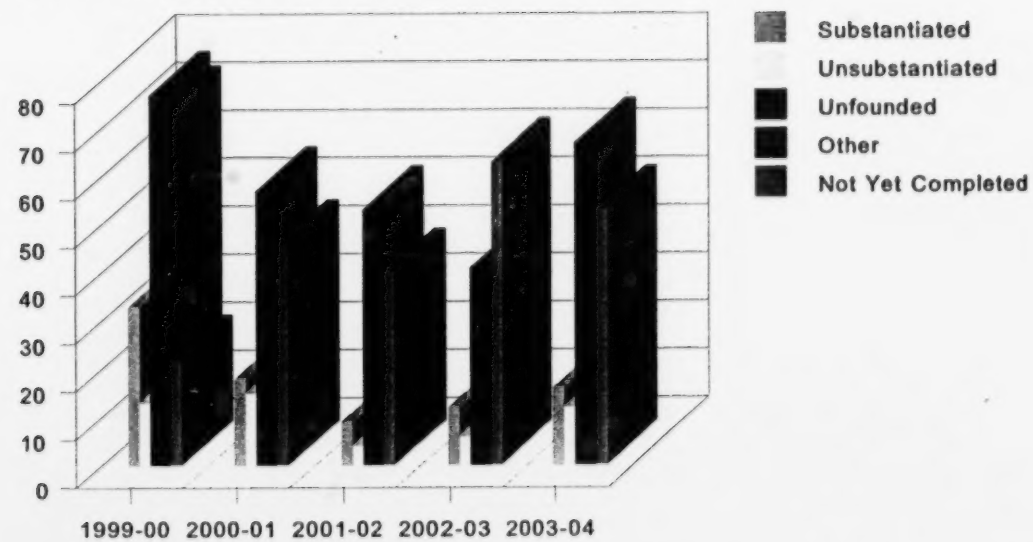
Police Service	Substantiated	Description	Unsubstantiated	Description
Regina	1	36Ai	1	36C
	2	36C	1	37Ai
	1	36Fii	2	37E
	2	36J	2	37Ei
	1	37Ai		
	3	37C		
	1	37E		
	1	37Ei		
Saskatoon	2	37E	1	36Fii
	1	36C	3	37E
Prince Albert	1	36Fii	2	37E

36Ai	Discreditable Conduct	37Ai	Discreditable Conduct
36C	Neglect of Duty	37C	Neglect of Duty
36Fii	Abuse of Authority	37E	Abuse of Authority
36J	Criminal Conduct	37Ei	Abuse of Authority

Complaint Findings
April 1, 2003 to March 31, 2004



Five Year Comparative Statistics



Saskatchewan Police Complaints Investigator
Types of Complaints Received
April 1, 2003 to March 31, 2004

	Total	Regina	Saskatoon	Moose Jaw	P. Albert	Estevan	Weyburn	Caronport	Dalmeny	Luseland	Stoughton	File Hills	Corman Park	Vanscoy
COMPLAINTS FINDINGS	**175**	**78**	**69**	**7**	**16**	**3**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**0**
TYPE OF COMPLAINT:														
Discreditable Conduct	**13**	11	0	1	0	1	0	0	0	0	0	0	0	0
Neglect of Duty	**30**	20	8	1	1	0	0	0	0	0	0	0	0	0
Insubordination	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	**5**	2	1	0	2	0	0	0	0	0	0	0	0	0
Corrupt Practice	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority	**60**	25	23	1	9	2	0	0	0	0	0	0	0	0
Improper Use of Firearms	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor/Drugs	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	**6**	3	3	0	0	0	0	0	0	0	0	0	0	0
Others	**8**	2	3	1	1	0	0	0	0	0	0	0	1	0
Not Yet Completed	**53**	15	31	3	3	0	0	0	0	0	0	1	0	0

Case Summaries

The following case summaries are a cross-section of the types of complaints received. The increased use of informal resolutions by the various police services is gratifying to note, particularly when complaints are based on a lack of communication, or a lack of understanding in terms of police procedures and their enforcement/investigational duties and responsibilities.

■ Ms. G's complaint was facilitated through the Federation of Saskatchewan Indian Nations (F.S.I.N.) - Special Investigation Unit (S.I.U.). She provided a statement to the S.I.U. in which she alleged she was subjected to excessive force during her arrest. She stated that her wrist was twisted to such an extent, that significant injury was caused which required medical attention. She also alleged that while she was detained in custody she was refused medical attention.

Ms. G was contacted and was reluctant to cooperate with the investigator. She would not supply any additional information or clarify her initial statement despite the assurances she gave to the S.I.U. that she would fully cooperate.

A criminal investigation was conducted as Ms. G had complained of excessive use of force. The police officers involved declined to provide warned statements. Nevertheless, the investigation was reviewed by Saskatchewan Justice as required by *The Police Act, 1990*. Their review determined there was insufficient evidence to justify a criminal charge.

The investigation determined that police officers responded to a call that a domestic dispute had taken place between Ms. G and her husband. The husband had departed prior to the arrival of the police officers. The police officers were informed that an intoxicated Ms. G had held a knife to her own throat. Ms. G wanted family members removed from her home in order that she could secure it and join friends at a nearby party. The officers and Mobile Crisis determined that Ms. G was upset and belligerent; however, she had not threatened to harm herself or anyone else. Ms. G upon leaving her home, caused a disturbance by swearing and using obscenities toward the officers. It was at this point that she resisted the officers' efforts to place her under arrest. Her conduct was such that she was placed in a 'restraint chair' upon arrival at the police detention area. The investigation determined that Ms. G had not complained of injury nor did she request medical attention while in custody.

The police chief recommended that the conduct of the officers did not warrant disciplinary action. I concluded that there was no improper conduct by the police officers and no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

■ Ms. D alleged that her rights had been violated when police officers searched her home without a warrant. A resident of the home had been released by the courts on conditions which required the individual to personally present himself to a police officer checking "curfew and residence".

The individual presented himself to the police officers conducting the curfew and residence check. One of the police officers informed this individual that they were going to search the residence and when they were challenged on their authority to conduct the search, the officer stated that it was part of the release conditions. The officers then conducted a search of the dwelling, despite the protests of the occupants.

It was determined that searching of the dwelling was not part of the release conditions. When this was brought to the attention of the officer, the officer was immediate in the acceptance of responsibility and offered to meet with and apologize to Ms. D. The police officer met with Ms. D, provided an apology and responded to her questions as to how the incident occurred.

Ms. D, when contacted by the investigator, stated that she was very appreciative of the apology and the prompt manner in which her concerns were addressed. My review determined that the allegation was substantiated; however, the immediate acceptance of responsibility, the apology and explanation provided, enabled the matter to be dealt with on an informal basis to the satisfaction of Ms. D.

Case Summaries

■ Ms. W complained that her grandson was apprehended by the Department of Social Services and a police officer based upon a hearsay allegation of child abuse. She stated that her son-in-law, who suffers from a mental illness, was subjected to an unnecessary interrogation where the police officer pressured him to confess to a crime he had not committed. She alleged that there was insufficient evidence to apprehend the child or to carry out the interrogation. She further alleged that when she contacted the police service for additional information, the police officer told her the child had not been apprehended. She also alleged that members of the police service came to her son-in-law's home late at night on the pretext of looking for someone who no longer lived at that address.

The investigation determined that the social worker and the police officer were acting on what they believed to be reliable information. Their investigation followed the accepted Provincial Child Abuse Protocol. Additionally, the investigation clearly demonstrated that the officer who interviewed Ms. W's son-in-law immediately recognized a medical condition and did not pursue an interview beyond the initial stage. The investigation determined that the interview of the child was conducted in a very thorough and professional manner. The interview clearly established that the child had not been subjected to sexual abuse.

Ms. W contacted the police supervisor on duty and asked if her grandson had been apprehended. The investigation determined that the supervisor who responded to Ms. W's questions had not been informed by the police investigator that the child had been apprehended. There was no suggestion that the officer intended to mislead Ms. W. The investigation was unable to clearly establish when a police officer may have conducted late night inquiries at the home of Ms. W's son-in-law.

My review determined that the police officer conducted a thorough and compassionate investigation given the circumstances and conducted himself in a professional manner. There was no improper conduct by any police officer involved with Ms. W's family. The allegations of Ms. W were unfounded.

■ Mr. H alleged that he was subjected to a traffic stop and issued an inspection ticket for having a loud exhaust. Two days later he was stopped by the same officer and informed that the exhaust was still too loud. Mr. H disagreed with the officer's observations and the conversation between the two deteriorated; the officer informed Mr. H that his vehicle would be seized. Mr. H stated that he demonstrated the noise level of the vehicle by starting the engine and revving the motor. At this point he alleged the police officer pepper sprayed him and forcefully removed him from his vehicle. He alleged that this amounted to an excessive use of force.

When initially contacted by the investigator, Mr. H requested that his complaint be withdrawn. Approximately two months later, Mr. H made a subsequent complaint against the same officer for harassment and at that time requested that his initial complaint be reopened. A criminal investigation was conducted on the allegation of excessive use of force. The investigation was reviewed by Saskatchewan Justice who determined there was insufficient evidence to warrant a charge against the officer. Saskatchewan Justice determined that Mr. H's arrest was lawful and the amount of force was justified.

My review determined that there was no improper conduct by the police officer and therefore no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*. Mr. H withdrew his subsequent allegation of harassment against the officer.

Case Summaries

■ Mr. M complained that an on-duty police officer, who was involved in a personal relationship with Mr. M's estranged wife, deprived him of access to his children while the officer was on duty and used a police vehicle to do so. The initial allegation was investigated by a supervisor and it was determined that Mr. M's allegation was founded. The police officer assisted Mr. M's former wife by making arrangements to have someone look after the children while their mother had to work. The police officer was admonished not to have any further involvement in this regard while on duty.

Mr. M made a further complaint within two days that the police officer again had assisted his former wife in dealing with their children while on duty. The investigation confirmed Mr. M's allegation.

The Chief of Police found that the conduct of the police officer constituted a neglect of duty when he assisted Mr. M's former wife while on duty. Further that the police officer's disregard of the direction provided by his supervisor constituted insubordination. The Chief of Police provided advice to future conduct to the officer for the neglect of duty and issued a remedial order regarding the insubordination.

My review supported the findings of the investigation and the action taken against the officer.

Allocation of Budget 2003-2004

The following figures show the approved budget for the 2003-2004 fiscal year.

	2003-2004
Approved Budget	**$169,000**
Salaries, Honorariums, Per Diems	117,313
Operating Expenses	23,020
	$140,333